

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

Civil Action No.  
03 MDL 1570 (RCC)

-----X

This document relates to:

*Thomas E. Burnett, Sr., et al. vs. Al Baraka  
Investment and Development Corp., et al.*  
03 CV 9849 (RCC)

**MOTION FOR RECONSIDERATION OF THE COURT'S ORDER<sup>1</sup> THAT THE  
PARTIES TO SUBMIT A PROPOSED ORDER CERTIFYING THE  
DEFENDANTS DISMISSED ON 12(B)(1) AND 12(B)(2) GROUNDS BUT NOT  
THE DEFENDANTS DISMISSED ON 12(B)(6) GROUNDS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and upon all prior papers and proceedings herein, the *Burnett* plaintiffs, by their attorneys, will move this Court before the Honorable Richard Conway Casey at the Courthouse, 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an order pursuant to Rule 6.3 of the Local Civil Rules for the Southern District of New York: (a) granting reconsideration of the Court's Order That the Parties to Submit a Proposed Order Certifying the Defendants Dismissed on 12(b)(1) and 12(b)(2) Grounds But Not the Defendants Dismissed on 12(b)(6) Grounds; and (b) upon reconsideration, certifying the Court's decision as to Al Rajhi in *Burnett* under Rule 54(b) for immediate appeal.

---

<sup>1</sup> Although the order is dated Friday, December 9, 2005, the order was not actually docketed until Monday, December 12, 2005.

Dated: New York, NY  
December 27, 2005

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Ronald L. Motley, Esq. (SC Bar #4123)  
Jodi Westbrook Flowers, Esq. (SC Bar #66300)  
Donald M. Migliori, Esq. (RI Bar #4936)  
Michael E. Elsner, Esq. (ME-8337)  
Robert T. Haefele, Esq. (NJ-58293; PA-57937)  
Justin B. Kaplan, Esq. (TN-022145)  
John Eubanks, Esq.  
MOTLEY RICE LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
Tel: (843) 216-9000

Paul J. Hanly, Jr., Esq. (PH-5486)  
Jayne Conroy, Esq. (JC-8611)  
Andrea Bierstein, Esq. (AB-4618)  
HANLY CONROY BIERSTEIN & SHERIDAN, LLP  
112 Madison Avenue, 7th Floor  
New York, NY 10016-7416  
Tel: (212) 784-6400

*Attorneys for Burnett Plaintiffs*